

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**IN RE:** §      **CASE NO. 16-44056-MXM**  
**Jesse Joe Ortiz Sr.** §  
**Patricia Sylvia Ortiz** §      **CHAPTER 13**  
**Debtors** §

**MOTION TO REOPEN CASE AND WAIVE FILING FEE**

NO HEARING WILL BE CONDUCTED UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT ELDON B. MAHON U.S. COURTHOUSE 501 W. 10TH ST., RM. 147 FORT WORTH, TX 76102-3643 BEFORE CLOSE OF BUSINESS AT LEAST 21 DAYS FROM THE DATE OF SERVICE. ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE RESPONSE DEADLINE. IF A RESPONSE IS FILED, A HEARING MAY BE HELD WITH NOTICE ONLY TO THE RESPONDING PARTY. IF NO HEARING IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED UNOPPOSED, AND THE COURT MAY ENTER AN ORDER SUSTAINING THE OBJECTION.

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

NOW COMES Tim Truman, Standing Chapter 13 Trustee and files this Motion to Reopen Case and Waive Filing Fee under 11 U.S.C. § 350(b), FED. R. CIV. P. 60(b) and FED. R. BANKR. P. 9024. Trustee would respectfully show the Court:

1. The Court has jurisdiction, and this is a core proceeding.
2. Movant is the former Trustee who requests reappointment and waiver of the fee to reopen the case.
3. On October 21, 2016, Debtors filed a Voluntary Petition for Relief under Chapter 13 of the United States Bankruptcy Code and was represented by Paul Wright. Debtor's Chapter 13 Plan was confirmed on February 14, 2017 and the case was closed on November 10, 2021 without Debtors receiving a discharge.
4. Movant filed Chapter 13 Standing Trustee's Final Report and Account ("Final Report") on December 10, 2021 reflecting that the estate had been fully administered. Due to a failure by Debtors or Debtor's counsel to file a Motion for Discharge and/or failure to submit an Order of Discharge, the case was closed without Debtors receiving a discharge. The Trustee was subsequently discharged as Trustee on January 18, 2022.

5. Since the closing of the case, the Trustee has received information that Debtors' attorney of record, Paul Wright, had moved from the state of Texas and is no longer practicing bankruptcy law in the Northern District of Texas. The trustee is unaware of whether this move was before or after the time for filing the Motion for Discharge and/or submitting a proposed Order for discharge.
6. Members of the Ft. Worth Debtor Bar have volunteered to assist the debtor in taking the steps necessary to seek a discharge.
7. Movant hereby requests, pursuant to 11 U.S.C. § 350(b) and FED. R. BANKR. P. 5010, Debtor's Chapter 13 case be reopened, that the filing fee be waived to allow the debtor to seek a discharge, and that the provisions of § 362(a) shall not apply upon the reopening of Debtor's case.
8. Under § 350(b), a case may be reopened in the court in which the case was closed to administer assets, to accord relief for the debtor, or for other cause. Cause exists to reopen this case.

WHEREFORE, Movant prays that this Court enter an order reopening this case to administer the assets of the estate or to accord relief for the debtor, waive the filing fee to reopen the case, and for any further relief that may be granted at law or in equity.

Respectfully submitted,

By: /s/ Angela D. Allen  
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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on or before the date of filing. Service was accomplished electronically on Debtor's attorney and all parties entitled to electronic notice and by first class mail on the Debtor(s) and the parties listed below, if any.

(Paul Wright at last known address)

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/s/ Angela D. Allen  
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